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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,030	09/15/2003	Jeffrey S. Collins	5887-313U1	2536
570 7590 01/03/2008 AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			EXAMINER BOND, CHRISTOPHER H	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 01/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,030

Applicant(s)

COLLINS, JEFFREY S.

Examiner

Christopher H. Bond

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007 and 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on September 27, 2007 and December 21, 2007 have been entered. Claims 1-7 and 14-16 have been cancelled, claim 8 has been amended. Currently, claims 8-13 and 17-20 are pending in the current application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 8-11, 13, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Binkley et al., US PUB 2003/0060270 (hereinafter Binkley).**

4. As to claims 8 and 18 Binkley discloses (paragraphs [0009-0010]), "The present invention includes a gaming terminal that includes one or more articulating, or positionable, components. The one or more articulating components of the gaming

terminal may be positioned to tailor the gaming terminal to a number of different configurations suitable for games of different body shapes and sizes...the gaming terminal of the present invention includes a processor, as well as a monitor and at least one user input element associated with the processor. The processor, monitor, and at least one user input element may be housed within a single compact cabinet or within separate housings, any of which may articulate relative to any of the other components of the gaming terminal..a so-called "flat panel" monitor may be used." Binkley further discloses (paragraphs [0024 and 0027]) , "...one or more user input elements...such as a touch-sensitive regions...or [the] monitor... in addition, [the] gaming terminal...may include a card reader...of known configuration to facilitate the use of account cards (e.g. credit cards, debit cards, house account cards, etc.) to initiate game play at [the] gaming terminal...[the] monitor...may comprise a so-called "flat panel display", such as...a liquid crystal display (LCD) type monitor." Binkley Figures 5 and 6, clearly show a 'rear-mounted support stand--further explained in Binkley paragraphs [0037-0041] Notably, Binkley discloses in paragraph [0036], "...a card reader **15**...Gaming terminal **10**" may optionally include payment apparatus **122**" for receiving, storing, and dispensing currency (i.e., bills and/or coins), as known in the art." Also of note, Binkley discloses in paragraph [0038] that the, "...processor...may be housed within [the] monitor." This would clearly anticipate the applicant's limitations of: a flatscreen touchscreen amusement device comprising: a display housing supportable by a rear-mounted support stand, a flat touchscreen disposed within the display housing, an amusement device controller and memory storage device (both anticipated by Binkley's processor)

disposed within the display housing, and the rear mounted support stand to support the display housing, and configured to receive a revenue system (card reader, bill/coin acceptor), wherein the flatscreen touchscreen device is a liquid crystal display.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley.**

7. Binkley discloses and illustrates in both Figures **5 and 6** a coin acceptance slot **122** on the 'front' side of the rear-mounted support bracket. However, Binkley fails to explicitly disclose that the coin acceptance 'slot' is located on the top front facing section of the rear-mounted support stand above a top edge of the display housing. The Examiner contends that this would be a "design" preference well within the capabilities of one skilled in the art, as the prior art already teaches the presence of the coin acceptor on the rear-support member. Furthermore, the applicant does not present or suggest the reasons why having the coin acceptor slot in this particular position would be advantageous over the prior art, as it would appear that the invention of the prior art would function in a similar manner. Thus, the applicant is reminded that design preferences hold no patentable weight in utility patents.

Citation of Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kawabata et al., USPAT 6,514,145--who discloses a game machine with a support member, and Hamon, USPAT 6,233,139; Malick, USPAT 4,669,694; Kumano et al., USPAT 7,304,838; Bockheim US D542,296; Titzler et al., USPAT 7,180,731; Wang, USPAT 6,702,238; Hamouz, US D478,088; Mizoguchi et al., USPAT 6,381,125; Kim et al., USPAT 6,081,420; Ditzik, UPSAT 5,668,570; Kim et al., USPAT 7,274,555, Cho et al., USPAT 7,237,755--all of whom disclose or illustrate flat screen monitors with rear support members.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571) 272-9760. The examiner can normally be reached on M-F 9:30am - 6pm (Eastern Standard Time).

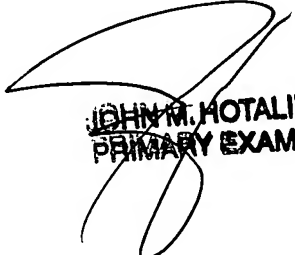
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris Bond



JOHN M. HOTALING, II
PRIMARY EXAMINER